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is not taught by the reference. The Examiner's response to argument (in the current

Office Action Remarks) is:

> The "alert message" or "message" recited in claims 1 and 2, may simply be a **signal** between an intelligent peripheral and a database unit. For example, there is a signal connection 115 between the ViSSP 40 and the IP 111 (See Fig. 9). The signal connection 115 is used by ViSSP 40 to indicate to the IP 111 that the call requires advance services and to indicate call handling instructions. For example, the call may be a voice call or a fax call, which means that there is an indication for either a voice protocol of a data protocol (See col. 8-9, lines 52-12, col. 9, lines 28-53, and col. 10, lines 24-40). Furthermore, an ISUP protocol is used by the ViSSP 40 to setup the call (emphasis in original).

Argument A – claim limitations may not be ignored

The Examiner's first sentence to the effect that the "alert message" may simply be "a **signal** between an intelligent peripheral and a database unit" (emphasis in original) appears to suggest that the Examiner asserts that the "alert signal" defined in claim 1 can be _any_ signal between an intelligent peripheral and a database unit. If that is the case, then the Examiner is in error, because such a reading would _ignore_ all other limitations that the step includes, and that is _not permitted_.

In fact, it appears that the Examiner is ignoring only the "alert" limitation and not the other limitations in the step. For example, the third sentence in the above-quoted Examiner's remarks mentions a call handling instruction and that indicates that the Examiner is properly selecting a message **from** the database unit **to** the IP as the "message" that corresponds to the claim's message, and that is what the above-quoted step specifies. The message cited by the Examiner is depicted in step 138 of the Fig. 11 flow chart in the cited patent.

Argument B – the message cited by the Examiner does NOT correspond to message of claim 1 because it is not an **alert** message.

It is noted that preceding step 138, there is step 135 in which the ViSSP causes a call to be routed to the intelligent peripheral (IP), and also steps 136 and 137 in which the ViSSP waits for the IP to send a message. It is in response to this message, or to a message from the IP arising from step 142, that step 138 sends the call handling

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instructions in step 138. Therefore, the proper characterization of the message from the ViSSP to the IP is that it is a <u>response message.</u>

In claim 1, in contradistinction, the message is characterized as an <u>alert message.</u> From the definition of the word "alert" it is clear that an alert message is a message where the fact that it appears is unexpected, or where the time when it appears is unexpected. The notion of "alert" always has an element of the unexpected. In contradistinction, the response message of step 138 is not unexpected but, in fact, is anticipated. Consequently, it does NOT qualify as an *alert message*, and therefore the message of step 138 may not be used as a message that correspond to the alert message of claim 1.

<u>Argument C – Even ignoring the fact that the message cited by the Examiner is not an alert message, this message does not specify a protocol parameter</u>

The claim 1 alert message is further limited by the fact that the message specifies a "communication protocol parameter." The Examiner asserts that

> the call may be a voice call or a fax call, which means that there is an indication for either a voice protocol or a data protocol.

Indeed it is possible that there is protocol for a voice call that is different protocol for a fax call, but that does **not** mean that there is an instruction from the ViSSP to the IP telling the IP to handle a voice call, or to handle a fax call. In fact, at col. 10, line 7 it is taught that the IP might send a "fax call detected" message to the ViSSP. Such a message would be completely superfluous if the ViSSP is the element that informed the IP of that fact in the first place. What this teaching by the reference strongly suggests, therefore, is that the ViSSP does NOT tell the IP what kind of call is to be expected.

But even if the ViSSP does provide an indication to the IP that a voice or a fax call needs to be processed (for which applicants submit there is no teaching), that does NOT mean that the ViSSP <u>specifies a protocol</u>. Further, even if the ViSSP does specify a protocol (for which applicants submit there is certainly no teaching), that does NOT mean that it specifies a <u>protocol parameter</u>.

In short, applicants respectfully submit that the reference does not teach a message (call handling instruction) that specifies a communication protocol parameter.

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The Examiner's remark relating to the ISUP protocol is, in applicants' view, wholly irrelevant because (a) it is a protocol that is used in sending a message, and not a *specification* of a protocol parameter and, (b) it is a message from the ViSSP to the switch and NOT to the IP.

It is respectfully submitted that the Examiner response to arguments fails to rebut applicants' arguments and fails to support the rejection.

Claim 2

The only other independent claim is claim 2, in connection with which applicants argued that the step of

> said database unit sending a message to an intelligent peripheral specifying a communication protocol

and step of

> said intelligent peripheral perusing an internal database to determine parameters for establishing a connection in accord with said protocol

are not taught by the reference, for the reasons expressed in connection with claim 1.

In the Response to Arguments, the Examiner states that

> Iapalucci, does teach establishing a connection between said database unit and said intelligent peripheral (for example, if it is determined that the call requires the functionality offered by the IP 111, the ViSSP 40 routes the call to the IP 111) to operate in accord with a protocol pointed to by said protocol parameter (See col. 9, lines 42-46).

Argument A – The Examiner's response does not demonstrate that the quoted claim 2 steps are taught by the reference

It is true that the reference teaches establishing a connection between the database unit (ViSSP) and the IP, and it is also true that the passage in col. 9, lines 42-46 teaches that the ViSSP routes a call to the IP when it determines that the call requires the functionality offered by the IP.

If these facts support the statement that a connection is established "to operate in accord with a protocol pointed to by said protocol parameter," it is in a sense that is so broad as to not be supportive of any assertion that the claim 2 steps are taught by the reference. Stated in other words, the fact that the ViSSP establishes a connection with

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the IP, and the overall result is that the network operates in accord with some protocol *says absolutely nothing* about whether it is the ViSSP that sends message to the IP in order to specify a communication protocol.

Viewed differently still, the question is NOT whether the reference teaches the ViSSP providing instructions to the IP so that the network can operate in accord with a given protocol but, rather, the question is whether the reference teaches the ViSSP sending to the IP a **message that specifies that protocol**. Applicants respectfully submit that while the reference teaches a message from the ViSSP to the IP, it does NOT teach a message that specifies a protocol.

Argument B – The Examiner's response does not even attempt to demonstrate the use of a database internal to the IP

There is nothing in the reference to indicate that the IP peruses an internal database "to determine parameters for establishing a connection in accord with said protocol." The Examiner has not cited any text that described, or suggests the use, of a database that is internal to the IP, and certainly not a database that is internal to the IP and which, when provided with a protocol specification that comes in a message from the ViSSP, provides parameters for that protocol. (This statement encompasses both the formal rejection of claim 2 and the "Response to Arguments" remarks.) The only database that the reference mentions is the one in the SCP shown in Fig. 1 or in the ViSSP shown in the Figs. 3, and 9.

Based on the above two arguments, it is respectfully submitted that the Examiner erred in rejecting claim 2.

Claim 2

The remaining claims depend on claim 2 and, therefore, it is believed that they are also not anticipated by the reference.

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In light of the above remarks, reconsideration and allowance are respectfully solicited.

Respectfully,
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Dated: 1/25/08

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